

ADOT JPA File No.: JPA 04-079-  
AMENDMENT ONE  
AG Contract No.: KR04-1637TRN  
Project No.: TEA-LHV-0(003)  
Section: Magnolia Dr- Acoma Blvd  
Project: Multi-use Pathway – Phase III  
**TRACS No.: SL512 01C**  
**Budget Source Item No.:**

**AMENDMENT ONE  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
LAKE HAVASU CITY

**THIS AGREEMENT** is entered into this date 19th, March 2008, Attorney General No. KR 04-1637TRN, Original Agreement filed with the Secretary of State March 7<sup>th</sup>, 2005, File No. 27402, pursuant to Arizona Revised Statutes, § 11-951 thorough 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the LAKE HAVASU CITY, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**THE PARTIES HERETO AGREE** To Amend The Following Language To Agreement 04-079:

Amend Recital 7, delete and replace the following language:

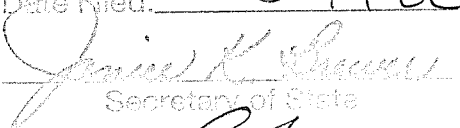

7. The work embraced in this Agreement is for the design, construction and maintenance of a ADA accessible Multi-use pathway varying in width from 8' to 12' wide signage and landscaping, located East of State Route (SR) 95, approximately 3000' from Magnolia Drive to Acoma Boulevard with Swanson Avenue falling in-between, hereinafter referred to as the "Project". The parties agree that the City will design, construct and maintain the Project, at an estimated cost of \$872,087.00.

**Construction TRACS No.: SL512 01C**

Estimated Federal-aid funds @ 94.3% (capped)	\$500,000.00
Estimated City funds @ 5.7%	\$ 30,223.00
Estimated City Additional Funds @ 100%	<u>\$341,864.00</u>

**\*Total Estimated Construction Costs** **\$872,087.00**

\*(Includes construction, construction engineering administration and incidentals)

NO. 27402  
Filed with the Secretary of State  
Date Filed: 3-19-08  
  
Secretary of State  
By: 

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17<sup>th</sup> Avenue, Mail Drop 616E  
Phoenix, AZ 85007  
(602)-712-7525

Lake Havasu City  
Attn: Charles Hux, P.E.  
2330 McCulloch Blvd N  
Lake Havasu City, AZ 86403  
(928) 453-8502

Pursuant to Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

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**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written.

**LAKE HAVASU CITY**

**STATE OF ARIZONA**

Department of Transportation

By   
MARK NEXSEN  
Mayor

By   
SAM MAROUFKHANI, P.E.  
Deputy State Engineer, Development

ATTEST

By   
CARLA SIMENDICH  
City Clerk

RESOLUTION NO. 07- 2206


A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU  
CITY, MOHAVE COUNTY, ARIZONA, AUTHORIZING THE  
MAYOR TO EXECUTE AN AMENDMENT TO AN INTERGOVERNMENTAL  
AGREEMENT WITH THE STATE OF ARIZONA (ADOT)  
FOR CONSTRUCTION OF IMPROVEMENTS TO  
PIMA WASH

WHEREAS, the Arizona Department of Transportation has approved the exchange of \$500,000.00 in Federal Highway Administration (FHWA) funds to the City for construction of improvements to the Pima Wash in the City; and

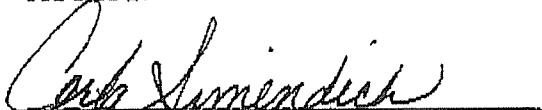
WHEREAS, Lake Havasu City agrees to construct the Pima Wash Multi-Use Path, Phase 3 Project, for an amended estimated construction cost of \$872,087;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby approve this amendment to the intergovernmental agreement for the intent and purpose stated above, and authorize the Mayor to execute said agreement with the State of Arizona (ADOT) relating to the construction of improvements to the Pima Wash.

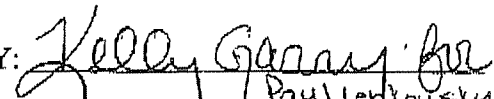
PASSED AND ADOPTED by the Mayor and City Council of Lake Havasu City, Arizona, this 14<sup>th</sup> day of August, 2007.

  
Mark S. Nexsen, Mayor

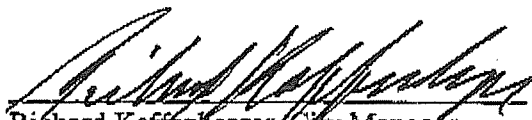
ATTEST:

  
Carla Simendich, City Clerk

APPROVED AS TO FORM  
LAKE HAVASU CITY ATTORNEY'S OFFICE:

BY:   
Paul Lertkowski

REVIEWED BY:

  
Richard Kaffenberger, City Manager

JPA 04-079

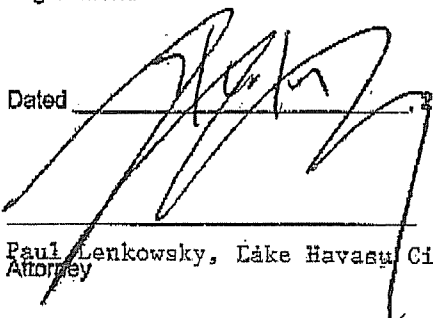
ATTORNEY APPROVAL FORM

FOR LAKE HAVASU CITY

**INTERGOVERNMENTAL AGREEMENT DETERMINATION**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned CITY Attorney who has determined that it is in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said Agreement.

Dated  2007

Paul Lenkowsky, Lake Havasu City, City Attorney

<p><b>TERRY GODDARD</b> Attorney General</p>	<div data-bbox="740 81 928 268" data-label="Image"> </div> <p><b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan.Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR04-1637TRN (**JPA 04-079, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and Lake Havasu City, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 11, 2008

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:163804  
Attachment